



P A T E N T

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Barbara A. Christensen et al.) Examiner H. Vy
)
Serial No. 10/848,758) Group Art Unit 2169
)
Filing Date: 05/19/04) Docket No. 33012/386/101
)
For: METHOD AND APPARATUS) **APPEAL BRIEF**
FOR INFORMATIONAL)
COMPARISONS OF MULTIPLE)
DATASETS IN A)
JAVASCRIPT ENVIRONMENT)

APPELLANT'S APPEAL BRIEF
FILED UNDER 37 C.F.R. § 41.37

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on this <u>20th</u> day of <u>November</u> , 20 <u>07</u> .	
By	<u>Carolyn I. Erickson</u>

This appeal brief is being filed in triplicate within ninety days of the Notice of Appeal filed August 30, 2007. Permission is

hereby granted to charge or credit deposit account number 14-0620 for any errors in fee calculation. Appellants request this Appeal Brief be made of record and fully considered.

REAL PARTY IN INTEREST

The Real Party in interest is:

Unisys Corporation

Township Line and Union Meeting Roads

Blue Bell, Pennsylvania 19424

being the assignee of the entire right, title, and interest by all inventors, by way of assignment documents filed at Reel 015695, frame 0064, in the United States Patent and Trademark Office.

RELATED APPEALS AND INTERFERENCES

There are no known pending Appeals and/or Interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal. Therefore, there are no decisions to be placed in the attached Related Proceedings Appendix.

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STATUS OF CLAIMS

The subject patent application was filed on May 19, 2004 containing claims 1-21. On November 30, 2006, the Examiner mailed an initial official action rejecting all pending claims. In accordance with the amendment filed February 27, 2007, claims 1, 7, 11, 12, 17, and 21 were amended. On May 31, 2007, the Examiner mailed a Final Office Action finally rejecting all pending claims. Applicants appeal from that final rejection and have not filed an amendment after final. Therefore, claims 1-21, being all pending claims, stand finally rejected and are presented in the Claims Appendix, hereto attached, in the form following entry of the amendment filed February 27, 2007. No pending claim has ever been found to contain allowable subject matter.

There remains a provisional obviousness-type double patenting rejection, which is not yet ripe. Applicants will deal with this issue by way of terminal disclaimer or other appropriate measure after the matter becomes ripe..

STATUS OF THE AMENDMENTS

The amendment filed February 27, 2007 was entered as a matter of right. No amendment after final under 37 C.F.R. 1.116 was filed in response to the final office action mailed May 31, 2007.

SUMMARY OF CLAIMED SUBJECT MATTER ¹

The present invention generally relates to legacy data base management systems and more particularly relates to enhancements for providing JavaScript access to multiple dataset comparison functions offered by such legacy data base management systems². Such commercial systems have been in general use for more than 20 years. One of the most successful data base management systems is available from Unisys Corporation and is called the Classic MAPPER® data base management system³.

In order to permit any such access, the present invention must first provide a user interface, called a gateway, which translates transaction data transferred from the user over the Internet in HTML format into a format from which data base management system commands and inputs may be generated⁴. To make access to a proprietary legacy data base by Internet users practical, a sophisticated security system is required to prevent intentional or inadvertent unauthorized access to the sensitive data of an organization⁵.

¹ The references to the specification and drawings provided herein are only exemplary and are not deemed to be limiting. The purpose of the references is to enable the Board to more quickly determine where the claimed subject matter is described within the present application.

²See Specification at page 1, line 21, through page 2, line 2.

³See Specification at page 2, lines 3-5.

⁴See Specification at page 6, lines 5-8.

⁵See Specification at page 6, lines 13-15.

In accordance with the preferred mode of the present invention, the user can access the underlying MAPPER data manipulation capabilities in a JavaScript object-based programming environment. Therefore programmers knowledgeable in the practices of standard programming languages such as JavaScript can readily apply those skills to utilize the data manipulation and other capabilities derived from the underlying MAPPER engine. Each JavaScript represents a stored procedure of varying degrees of complexity that can be called from various development and application software within the DACS BISNET product suite⁶.

In the preferred implementation, the JavaScript parser and objects are integrated into the MAPPER engine to support JavaScript stored procedures. The integrated JavaScript parser interprets and executes JavaScript stored procedures, which utilize custom JavaScript objects. These custom capabilities are in an object-based, paradigm for dataset manipulation and analysis purposes. Additional custom JavaScript objects are also provided to support the more complex MAPPER core engine "power" function analysis capabilities. JavaScript stored procedures are an alternative to MAPPER run-script; input and output arguments can be passed, and a resulting dataset can be returned to the caller⁷.

A key to making this process efficient is the technique for "parameterization" of the underlying MAPPER "power" commands. In

⁶See Specification at page 10, lines 1-7.

⁷See Specification at page 10, lines 9-16.

order to leverage the more complex MAPPER core engine "power" function analysis capabilities, it is necessary for the programmer to supply a set of arguments. The arguments are positional and the number can range from just a few to many dozens. As the number of arguments increases, the burden of programming them can become unmanageable⁸.

As originally conceived, the MAPPER engine power functions were invoked via the procedural BIS script language. This interface is satisfactory for programming simple sets of arguments, although it has the inherent disadvantage of requiring intricate knowledge of the proprietary BIS script language syntax. This syntax is very efficient, but at the tradeoff of being cryptic and therefore error prone and requiring specialized training. As the number of arguments increases, the programming task becomes daunting⁹.

To compliment the JavaScript Dataset object, which represents a physical MAPPER database table, a suite of Parameter objects is provided to allow programming the numerous combinations of arguments that parameterize the processing performed by MAPPER core engine power function analysis functions. A separate JavaScript Parameter object is provided for each of the MAPPER core engine power functions. Each Parameter object contains custom properties,

⁸See Specification at page 10, lines 17-22.

⁹See Specification at page 11, lines 1-6.

methods, and compound objects that conform to the programming requirements of a specific power function¹⁰.

The system of the preferred mode provides a method and apparatus for comparing information across multiple datasets in a Javascript environment. The Dataset compareDatasets() power function searches two dataset columns that match the specified compare item criteria. This function performs a character-to-character comparison of specified columns in the two datasets. This means that an application programmer can utilize the compareDatasets() power functions's capabilities provided by the MAPPER engine in terms of a standardized object-based programming language such as JavaScript to compare information from two different datasets. Previously, this MAPPER power function was only available using the proprietary MAPPER run script procedural language.¹¹

Fig. 1 is a pictorial diagram of hardware suite 10 of the preferred embodiment of the present invention¹². Fig. 2 is a detailed flow diagram showing integration of JavaScript with the MAPPER engine¹³. Fig. 15 shows the contents of the target and issuing datasets and the location of the first non-matching occurrence. To find the next non-matching occurrence for the above example, the oComp.resume property is changed to "rsmNextItem" or

¹⁰See Specification at page 11, lines 7-13.

¹¹See Specification at page 11, lines 14-22.

¹²See Specification at page 14, lines 10-11.

¹³See Specification at page 16, lines 2-3.

"rsmNextRecord". Another request is then issued in the form of
c,ods.compareDatasets(....) request\$.¹⁴

Claim 11 is the only pending claim introducing "means-plus-function" limitations. Independent claim 11 has four such limitations which are correlated to Applicants' disclosure as follows:

- a. "storing means for storing a plurality of datasets within a legacy data base"¹⁵;
- b. "requesting means responsively coupled to said storing means for requesting a comparison of said plurality of datasets via a standardized command language"¹⁶;
- c. "converting means responsively coupled to said storing means for converting said standardized command language into a legacy command language suitable to access said legacy data base"¹⁷; and
- d. "preparing means responsively coupled to said storing means for preparing a comparison result"¹⁸.

¹⁴See Specification at page 31, lines 2-5.

¹⁵See Fig. 1, elements 20 and 22, and specification at page 14, lines 16-17.

¹⁶See Fig. 1, element 12, and specification at page 14, lines 11-15.

¹⁷See Fig. 2, element 38, and specification at page 16, lines 3-5.

¹⁸See Fig. 14 and specification at page 30.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Are the drawings objectionable under 37 C.F.R. 1.83(a)?
2. Are claims 1-5 and 21 unpatentable under 35 U.S.C. 102(e) as anticipated by U.S. Patent Application Publication No. 2005/0192851, published in the name of Rangnekar (hereinafter referred to as "Rangnekar")?
3. Are claims 6-13, and 16-21 unpatentable under 35 U.S.C. 102(e) as anticipated by U.S. Patent Application Publication No. 2004/0226027, published in the name of Winter (hereinafter referred to as "Winter")?
4. Are claims 6-20 unpatentable under 35 U.S.C. 102(b) as anticipated by U.S. Patent Application Publication No. 2003/0051070, published in the name of Shappir et al. (hereinafter referred to as "Shappir")?
5. Are claims 14-15 unpatentable under 35 U.S.C. 103(a) as obvious over Winter in view of Applicant Admitted Prior Art (hereinafter referred to as "AAPA")?

ARGUMENT

I. The drawings are not objectionable under 37 C.F.R. 1.83(a).

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a). Specifically, he is concerned with his inability to find the claimed "legacy data base management system" and "facility which parses" within the drawings.

As to the claimed "legacy data base management system", in the preferred mode, the functionality is based upon use of the Classic MAPPER legacy data base management system discussed in the specification at page 2, lines 1-7, of the specification. As explained at page 11, the MAPPER system is preferably incorporated into the BIS/Cool ICE system. Page 14, lines 4-9, discusses how the MAPPER legacy data base management system is made commercially available within the BIS/Cool ICE environment. The hardware suite includes elements 20 and 22 of Fig. 1 as explained at page 14, lines 16-17. Thus, the claimed "legacy data base management system" is located within Fig. 1, elements 20 and 22. Various functional components of the MAPPER legacy data base management system are shown in Fig. 2. Thus, it is deemed that Applicants'

drawings adequately show the claimed "legacy data base management system" in compliance with 37 C.F.R. 1.83(a).

The claimed "facility which parses" is functionally discussed throughout the specification. A representation is shown functionally in Fig. 2. Therefore, Applicants deem that the claimed "facility which parses" is adequately shown in accordance with the requirements of 37 C.F.R. 1.83(a).

II. Claims 1-5 and 21 are not anticipated by Rangnekar.

Claims 1-5 and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2005/0192851, published in the name of Rangnekar (hereinafter referred to as "Rangnekar"). The ground of rejection should be reversed as to the rejected claims for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). **"The identical invention must be shown in as complete detail as is contained in the ... claim."** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection should be reversed because "the identical invention" is not shown by Rangnekar "in as complete detail as is contained in the claims" as is required by MPEP 2131.

Applicants' invention as disclosed and claimed provides a method and apparatus for comparing heterogeneous, incompatible datasets from a user terminal via a legacy data base management system. This is accomplished by using the legacy data base management system to map data elements from the heterogeneous, incompatible data bases into a format which it can readily accommodate using the computational capacity of the legacy data base management system to perform the necessary conversions.

For whatever reason, the Examiner has cited and sought to apply Rangnekar, which is concerned with booking travel arrangements from an Automatic Teller Machine (ATM). Thus, instead of a user accessing data from a general purpose data base management system as claimed, Rangnekar is limited to sending minimal information via a non-alphanumeric ATM. As a result of the lack of pertinence of this reference, the rejection of claims can only be based upon clearly erroneous findings of fact and incorrect application of controlling law. Key to this process is that the Examiner impermissibly ignores Applicants' invention as claimed in an attempt to show that non-pertinent elements from Rangnekar are related to Applicants' claimed limitations. This is impermissible, because controlling law does not permit the Examiner to redefine Applicants' claims to fit his grounds of rejection.

II.A. Claim 1 is not anticipated by Rangnekar.

Claim 1, for example, has four basic elements. The first claimed element is "a legacy data base management system having a first command language and having a plurality of datasets". In making his rejection, the Examiner cites Rangnekar, paragraph 142, apparently alleging that CRS 30 is the claimed element. However, there is no mention in the citation (or elsewhere) that CRS has "a first command language" or a "plurality of datasets" as claimed. Therefore, the Examiner simply ignores these limitations.

The second element is "a user terminal which generates a request in a standardized command language for comparing some of said plurality of datasets within said legacy data base". Instead of addressing this element, the Examiner impermissibly "redefines" the claimed element as a "user session". He then alleges that Rangnekar, element 12, is an "end user" and that this "end user" is somehow the "user session" which is not actually claimed by Applicants. As a result, his findings are contrary to law, clearly erroneous, unsupported by the reference, and legally irrelevant as unrelated to Applicants' claimed element. The remainder of his analysis is largely incomprehensible.

The third claimed element, as amended, is "a facility located within said legacy data base management system which parses said request in said standardized command language into a corresponding request in said first command language". Having found that the claimed "legacy data base management system" is shown as CRS 30 in

Rangnekar, the Examiner ignores his own previous finding and Applicants' claimed invention. He cites numerous paragraphs and figures of Rangnekar to show "parsing" and "conversion" by virtually every portion of Rangnekar except CRS 30.

The fourth claimed element is "a result produced by said legacy data base management system indicative of honoring said corresponding request". The claimed "result" must be produced by said legacy data base management system. Nevertheless, the Examiner cites quantities produced by host system 20 and web server 24, He does not even allege the claimed "result" as "produced by said legacy data base management system".

As a result of Rangnekar having none of the four claimed elements of claim 1, the rejection of claim 1, and all claims depending therefrom, should be reversed for failure to comply with MPEP 2131.

II.B. Claim 2 is not anticipated by Rangnekar.

Claim 2 depends from claim 1 and further limits the claimed "first command language". Completely ignoring the claim, the Examiner finds that Rangnekar discloses "a JavaScript object". This finding, even if supported by the reference (which it is not), is legally irrelevant, because it does not address the claimed "first command language". This is incorrect as a matter of law. The rejection of claim 2 should be reversed.

II.C. Claim 3 is not anticipated by Rangnekar.

Claim 3 depends from claim 2 and further limits the claimed "result". Completely ignoring the claim, the Examiner finds that Rangnekar discloses "a JavaScript object". This finding, even if supported by the reference (which it is not), is legally irrelevant, because it does not address the claimed "result". This is incorrect as a matter of law. The rejection of claim 3 should be reversed.

II.D. Claim 4 is not anticipated by Rangnekar.

Claim 4 depends from claim 3 and further limits the claimed coupling network. In making his rejection, the Examiner makes several unrelated citations in an apparent attempt to contradict the clear teaching of Rangnekar. Paragraph 111 of Rangnekar explicitly states:

As illustrated in FIG. 14, financial institutions run their ATM's 12 on their private networks. (Emphasis added)

It is not understood why the Examiner would ignore the clear teaching of his own reference (i.e., private) to "interpret" the opposite structure (i.e., public). The rejection of claim 4 should be reversed.

II.E. Claim 5 is not anticipated by Rangnekar.

Claim 5 depends from claim 4 and is further limited by "wherein said data base management system further comprises a data base having a plurality of columns of data wherein each of said plurality of datasets corresponds to a different one of said plurality of columns of data". Because the Examiner is aware that Rangnekar cannot meet these limitations, the Examiner cites paragraph 0204, which he knows does not even mention "columns". The rejection of claim 5 should be reversed.

II.F. Claim 21 is not anticipated by Rangnekar.

Notwithstanding the differences in claimed limitations¹⁹ between claims 1 and 21, the Examiner apparently has not felt the need to actually examine claim 21 as required by controlling law. Therefore, the rejection of 21 should be reversed for failure of the Examiner to examine it.

III. Claims 6-13, and 16-21 are not anticipated by Winter.

Claims 6-13 and 16-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2004/0226027, published in the name of Winter (hereinafter referred to as "Winter"). This rejection should be reversed because "the

¹⁹See for example limitations of the specific command language, the coupling network, the columnar structure of the datasets, etc.

identical invention" is not shown by Winter "in as complete detail as is contained in the claims" as is required by MPEP 2131.

The present invention provides an apparatus for and method of utilizing JavaScript to request a complex comparison from a legacy data base management system. The user is thus able to evoke the powerful dataset comparison tools of the legacy data base management system. This approach leverages the power of the legacy data base management without the need for the user to become familiar with the proprietary command language of the legacy data base management system. The approach is particularly efficient in that the user can provide parameters directly to the legacy data base management system as a parameter object defined within the standardized object-based command language.

Winter on the other hand, discusses a method of separating a function of the business logic of an application from a user interface of the application where the business logic and user interface of the application are intermingled. The method includes providing a wrapper interface for the application. The method also includes providing a function of the business logic of the application separated from the user interface of the application through the wrapper interface.

The differences in these approaches are readily apparent in structure and operation. Winter relies upon completely "wrapping" a legacy system such that all external communication to and from

the legacy system must be converted before being delivered to the intended recipient (see Fig. 1, element 104). Thus, the approach tends to be less efficient than Applicants' technique which does not require a wrapper for complete conversion of all communications. For example, in Applicants' system, the claimed "facility for parsing" is located in the claimed legacy data base management system without any conversion required. In other words, the claimed legacy data base management system performs the necessary conversions by "parsing" the JavaScript command language service request. These differences in approach manifest themselves in structural and functional differences which are best observed in view of analysis of the individual claims.

III.A. Claim 6 is not anticipated by Winter.

Claim 6, for example, is an independent method claim having five basic steps as limiting elements. The first claimed element is "generating a comparison request in a standardized command language". Because Winter does not have the claimed "comparison request", the ignores Applicants' claimed invention and irrelevantly alleges that Winter "generates a request".

The second element, as amended, is "transferring said request to said legacy data base management system". Again, the Examiner ignores the actual claimed step, because Winter does not disclose

this limitation. Winter requires conversion before transferring to the legacy data base management system.

The third claimed element is "converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system". Because Winter does not have the second claimed step, the Examiner ignores that any conversion which takes place, is required to occur within the claimed "legacy data base management system".

The fourth claimed element is "honoring said comparison request". Again, the Examiner simply ignores this claimed element, because it is not found in Winter.

The fifth claimed element is "sending a result indicative of said honoring step". Because Winter does not have The fourth claimed step, The Examiner seeks to meet this limitation by citing a display screen.

As a result of Winter having none of The five claimed elements of claim 6, The rejection of claim 6, and all claims depending therefrom, should be reversed.

III.B. Claim 7 is not anticipated by Winter.

Claim 7 depends from claim 6 and further limits The claimed service request and corresponding claimed result. In making his rejection, The Examiner irrelevantly cites paragraphs 0030, 0041,

and 0059, none of which showing, mentioning, or teaching any service request or result as claimed. The rejection of claim 7 should be reversed.

III.C. Claim 8 is not anticipated by Winter.

Claim 8 depends from claim 7 and further limits The network coupling The major hardware components. In making his rejection, The Examiner cites paragraph 0051 and Fig. 3, neither of which showing, mentioning, or teaching any particular coupling network. The rejection of claim 8 should be reversed.

III.D. Claim 9 is not anticipated by Winter.

Claim 9 depends from claim 8 and further limits The claimed service request and corresponding claimed result. In making his rejection, The Examiner irrelevantly cites paragraphs 0030, 0041, and 0059, none of which showing, mentioning, or teaching any service request or result as claimed. The rejection of claim 9 should be reversed.

III.E. Claim 10 is not anticipated by Winter.

Claim 10 depends from claim 9 and further limits The network coupling The major hardware components. In making his rejection, The Examiner cites paragraph 0051 and Fig. 3, neither of which

showing, mentioning, or teaching any particular coupling network. The rejection of claim 10 should be reversed.

III.F. Claim 11 is not anticipated by Winter.

Claim 11 is an independent apparatus claim having four "means-plus-function" limitations. As such, The Examiner is obligated to examine claim 11 in accordance with MPEP 2181-2184. It is clear that he has not done so. Furthermore, notwithstanding The differences in claimed limitations between claims 6 and 11, The Examiner apparently has not actually examined claim 11 as required by controlling law. Therefore, The rejection of claim 11, and all claims depending therefrom, should be reversed for failure of The Examiner to examine it.

III.G. Claim 12 is not anticipated by Winter.

Claim 12 depends from claim 11 and further limits The claimed service request and corresponding claimed result. In making his rejection, The Examiner irrelevantly cites paragraphs 0030, 0041, and 0059, none of which showing, mentioning, or teaching any service request or result as claimed. The rejection of claim 12 should be reversed.

III.H. Claim 13 is not anticipated by Winter.

Claim 13 depends from claim 12 and further limits The network coupling The major hardware components. In making his rejection, The Examiner cites paragraph 0051 and Fig. 3, neither of which showing, mentioning, or teaching any particular coupling network. The rejection of claim 13 should be reversed.

III.I. Claim 16 is not anticipated by Winter.

Claim 16 is an independent Jepson-type apparatus claim having two improvement elements. Notwithstanding The differences in claimed limitations between claims 6 and 16, The Examiner apparently has not actually examined claim 16 as required by controlling law. Therefore, The rejection of claim 16, and all claims depending therefrom, should be reversed for failure to be examined.

III.J. Claim 17 is not anticipated by Winter.

Claim 17 depends from claim 16 and further limits The claimed service request and corresponding claimed result. In making his rejection, The Examiner irrelevantly cites paragraphs 0030, 0041, and 0059, none of which showing, mentioning, or teaching any service request or result as claimed. The rejection of claim 17 should be reversed.

III.K. Claim 18 is not anticipated by Winter.

Claim 18 depends from claim 17 and further limits The network coupling The major hardware components. In making his rejection, The Examiner cites paragraph 0051 and Fig. 3, neither of which showing, mentioning, or teaching any particular coupling network. The rejection of claim 18 should be reversed.

III.L. Claim 19 is not anticipated by Winter.

Claim 19 depends from claim 18 and further limits The claimed service request and corresponding claimed result. In making his rejection, The Examiner irrelevantly cites paragraphs 0030, 0041, and 0059, none of which showing, mentioning, or teaching any service request or result as claimed. The rejection of claim 19 should be reversed.

III.M. Claim 20 is not anticipated by Winter.

Claim 20 depends from claim 19 and further limits The claimed service request and corresponding claimed result. In making his rejection, The Examiner irrelevantly cites paragraphs 0030, 0041, and 0059, none of which showing, mentioning, or teaching any service request or result as claimed. The rejection of claim 20 should be reversed.

IV. Claims 6-20 are not anticipated by Shappir.

Claims 6-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication 2003/0051070, published in

The name of Shappir et al (hereinafter referred to as "Shappir"). This ground of rejection should be reversed for failure of Shappir to meet The requirements of MPEP 2131.

Unlike Applicants' invention as disclosed and claimed, Shappir discusses a technique for completely separating The functions of The legacy data base management system from The user interface. Shappir accomplishes this by interposing a server between The user and The data base management system which emulates a legacy user terminal to The legacy data base management system.

The differences in these approaches are readily apparent in structure and operation. Shappir permits The legacy data base management system to be completely unmodified. However, Shappir requires another server in which to store The logic for and execute The emulation logic.

Applicants' approach, on The other hand, requires minor additions to The legacy data base management system, but does not require a separate server for The interface of The "service requests". Furthermore, The full power of The legacy data base management system becomes available to implement The conversion process.

IV.A. Claim 6 is not anticipated by Shappir.

Claim 6, for example, is an independent method claim having five basic steps as limiting elements. The second claimed step is "transferring said request to said legacy data base management

system". This transferring step does not occur in Shappir, because conversion must be performed before transfer to The legacy data base management system.

Thus, The third step, "converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system" cannot occur in within The legacy data base management system, but is perform in The "emulation server". As a result of Shappir not having at least The second and third claimed elements of claim 6, The rejection of claim 6, and all claims depending therefrom, should be reversed.

IV.B. Claim 7 is not anticipated by Shappir.

Claim 7 depends from claim 6 and is further limited by "wherein said standardized command language further comprises a language which is capable of producing a JavaScript object". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 7 should be reversed.

IV.C. Claim 8 is not anticipated by Shappir.

Claim 8 depends from claim 7 and is further limited by "wherein said generating step is performed by a user terminal". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 8 should be reversed.

IV.D. Claim 9 is not anticipated by Shappir.

Claim 9 depends from claim 8 and is further limited by "wherein said result further comprises a JavaScript object". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 9 should be reversed.

IV.E. Claim 10 is not anticipated by Shappir.

Claim 10 depends from claim 9 and is further limited by "wherein said transferring step occurs via a publically accessible digital data communication network". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 10 should be reversed.

IV.F. Claim 11 is not anticipated by Shappir.

Claim 11 is an independent apparatus claim having four "means-plus-function" limitations. As such, The Examiner is obligated to examine claim 11 in accordance with MPEP 2181-2184. It is clear that he has not done so. Furthermore, notwithstanding The differences in claimed limitations between claims 6 and 11, The Examiner apparently has not actually examined claim 11 as required by controlling law. Therefore, The rejection of claim 11, and all claims depending therefrom, should be reversed for failure of The Examiner to examine it.

IV.G. Claim 12 is not anticipated by Shappir.

Claim 12 depends from claim 11 and is further limited by "wherein said standardized command language further comprises a language which is capable of describing a JavaScript object". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 12 should be reversed.

IV.H. Claim 13 is not anticipated by Shappir.

Claim 13 depends from claim 12 and is further limited by "a publically accessible digital data communication network which couples said requesting means to said storing means". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 13 should be reversed.

IV.I. Claim 14 is not anticipated by Shappir.

Claim 14 depends from claim 13 and is further limited by "wherein said storing means further comprises MAPPER data base management system". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 14 should be reversed.

IV.J. Claim 15 is not anticipated by Shappir.

Claim 15 depends from claim 14 and is further limited by "wherein said requesting means further comprises an industry standard personal computer". Because Shappir does not disclose

this limitation, The Examiner simply ignores it. The rejection of claim 15 should be reversed.

IV.K. Claim 16 is not anticipated by Shappir.

Claim 16 is an independent Jepson-type apparatus claim having two improvement elements. Notwithstanding The differences in claimed limitations between claims 6 and 16, The Examiner apparently has not actually examined claim 16 as required by controlling law. Therefore, The rejection of claim 16, and all claims depending therefrom, should be reversed for failure to be examined.

IV.L. Claim 17 is not anticipated by Shappir.

Claim 17 depends from claim 16 and is further limited by "wherein said standardized command language further comprises a language which describes a JavaScript object". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 17 should be reversed.

IV.M. Claim 18 is not anticipated by Shappir.

claim 18 depends from claim 17 and is further limited by "wherein said link further comprises a publically accessible digital data communication network". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 18 should be reversed.

IV.N. Claim 19 is not anticipated by Shappir.

Claim 19 depends from claim 18 and is further limited by "wherein said request further comprises a JavaScript object". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 19 should be reversed.

IV.O. Claim 20 is not anticipated by Shappir.

Claim 20 depends from claim 19 and is further limited by "wherein said result further comprises a JavaScript object". Because Shappir does not disclose this limitation, The Examiner simply ignores it. The rejection of claim 20 should be reversed.

V. Claims 14-15 are not obvious over Winter in view of AAPA.

Claims 14-15 have been rejected under 35 U.S.C. 103(a) as unpatentable over Winter in view of Applicant Admitted Prior Art (AAPA). This ground of rejection is respectfully traversed for failure of The Examiner to present a *prima facie* case of obviousness.

To make a *prima facie* case of obviousness, MPEP 2143 requires The Examiner to provide evidence and argument showing: 1) motivation to make The alleged combination; 2) reasonable likelihood of success of The alleged combination; and 3) all claimed elements within The alleged combination. The Examiner has failed to make any of these three required showings. Therefore, because The Examiner has not

made a *prima facie* case of obviousness, Applicants need not and indeed cannot offer appropriate evidence and argument in rebuttal.

As to The requirement to show motivation, The Examiner concludes:

It would have been obvious at The time The invention was made to a person having ordinary skill in The art to modify Winter's system by using The Mapper data base management system structure in order to have data base management system in an efficient, multi-user environment for The stated purpose has been well known in The art as evidenced by teaching of AAPA (see first paragraph, page 2).

However, Winter has no data base management system at all. Furthermore, The Examiner does not allege that it does. Therefore, there can be no motivation *per se* to improve The efficiency of Winter's non-existent data base management system by making it The claimed MAPPER system.

The Examiner does not venture any showing of reasonable likelihood of success as required by MPEP 2143. However, he could not do so, because of The readily apparent incompatibilities of AAPA and Winter.

Finally, The Examiner fails to show all of The claimed elements. The claimed "storing means" must be "responsively coupled to said requesting means via said publically accessible digital data communication network". If The Examiner were to read AAPA, he would find The reasons why Mapper could not be so coupled, absent Applicants' invention. The rejection of claims 14-15 is

respectfully traversed for failure of The Examiner to make any of
The three showings required by MPEP 2143.

V.A. Claim 14 is not obvious over Winter in view of AAPA.

The rejection of claim 14 should be reversed for failure of
The Examiner to present a *prima facie* case of obviousness as
specified by MPEP 2143.

V.B. Claim 15 is not obvious over Winter in view of AAPA.

The rejection of claim 15 should be reversed for failure
of The Examiner to present a *prima facie* case of obviousness as
specified by MPEP 2143.

CONCLUSION


Having thus reviewed the final rejections of claims 1-21, being all pending claims, it seems abundantly clear that the limitations of these claims are not unpatentable in view of the prior art of record. Thus, the rejection of these claims should be reversed as being based upon clearly erroneous fact findings and errors of law.

Respectfully submitted

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By their attorney,

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CLAIMS APPENDIX

1. An apparatus for processing data upon request comprising:
 - a. a legacy data base management system having a first command language and having a plurality of datasets;
 - b. a user terminal which generates a request in a standardized command language for comparing some of said plurality of datasets within said legacy data base;
 - c. a facility located within said data base management system which parses said request in said standardized command language into a corresponding request in said first command language; and
 - d. a result produced by said legacy data base management system indicative of honoring said corresponding request.
2. The apparatus of claim 1 wherein said request in said standardized command language further comprises a JavaScript object.
3. The apparatus of claim 2 wherein said result further comprises a JavaScript object.

4. The apparatus of claim 3 wherein said user session is responsively coupled to said data base management system via a publically accessible digital data communication network.

5. The apparatus of claim 4 wherein said data base management system further comprises a data base having a plurality of columns of data wherein each of said plurality of datasets corresponds to a different one of said plurality of columns of data.

6. A method of comparing a plurality of datasets within The data base of a legacy data base management system comprising:

- a. generating a comparison request in a standardized command language;
- b. transferring said request to said legacy data base management system;
- c. converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system;
- d. honoring said comparison request; and
- e. sending a result indicative of said honoring step.

7. A method according to claim 6 wherein said standardized command language further comprises a language which is capable of producing a JavaScript object.

8. A method according to claim 7 wherein said generating step is performed by a user terminal.

9. A method according to claim 8 wherein said result further comprises a JavaScript object.

10. A method according to claim 9 wherein said transferring step occurs via a publically accessible digital data communication network.

11. An apparatus for processing data upon request comprising:

- a. storing means for storing a plurality of datasets within a legacy data base;
- b. requesting means responsively coupled to said storing means for requesting a comparison of said plurality of datasets via a standardized command language;
- c. converting means responsively coupled to said storing means for converting said standardized command language into a legacy command language suitable to access said legacy data base; and
- d. preparing means responsively coupled to said storing means for preparing a comparison result.

12. An apparatus according to claim 11 wherein said standardized command language further comprises a language which is capable of describing a JavaScript object.

13. An apparatus according to claim 12 further comprising a publically accessible digital data communication network which couples said requesting means to said storing means.

14. An apparatus according to claim 13 wherein said storing means further comprises MAPPER data base management system.

15. An apparatus according to claim 14 wherein said requesting means further comprises an industry standard personal computer.

16. In a data processing system having a user session which generates a request in a standardized command language to compare a plurality of datasets responsively coupled to a legacy data base management system containing said plurality of datasets, The improvement comprising:

- a. a link responsively coupling said user session to said legacy data base management system;
- b. a facility which converts said request from said standardized command language into a legacy command language cognizable by said legacy data base management system; and
- b. a comparison result produced by said legacy data base management system from transfer to said user session.

17. The improvement according to claim 16 wherein said standardized command language further comprises a language which describes a JavaScript object.

18. The improvement according to claim 17 wherein said link further comprises a publically accessible digital data communication network.

19. The improvement according to claim 18 wherein said request further comprises a JavaScript object.

20. The improvement according to claim 19 wherein said result further comprises a JavaScript object.

21. An apparatus for accessing a database comprising:

- a. a legacy data base management system having a first command language and having a plurality of datasets;
- b. a user terminal which generates a request as a JavaScript standardized command language object for comparing some of said plurality of datasets within said legacy data base responsively coupled to said legacy data base management system via a publically accessible digital data communication network;

- d. a facility which parses said request as said JavaScript standardized command language object into a corresponding request in said first command language;
- e. a result produced by said legacy data base management system indicative of honoring said corresponding request converted by said facility to a JavaScript object; and
- f. wherein said legacy data base management system further comprises a data base having a plurality of columns of data wherein each of said plurality of datasets corresponds to a different one of said plurality of columns of data.

EVIDENCE APPENDIX

There is no evidence or documents deemed appropriate to be included within this Appendix.

RELATED PROCEEDINGS APPENDIX

There are no decisions or other papers deemed appropriate to be included in this Appendix.